

Notice of Allowability

Application No.

10/730,221

Examiner

Patricia L. Hailey

Applicant(s)

OSWALD ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on November 1, 2004.
2. ☒ The allowed claim(s) is/are 1,2,4,6 and 7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/931,161.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date December 8, 2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12/21/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Mark L. Bell
Supervisory Patent Examiner
Technology Center 1700

Applicants' remarks and amendments filed on November 1, 2004, have been carefully considered. The Specification has been amended, and claims 3, 5, and 9 have been canceled. No new claims have been added.

Claims 1, 2, 4, 6-8, and 10 remain pending in this application.

Support for the amendment to the Specification is found in claim 6 as originally filed.

Withdrawn Objections and Rejections

The objection to the Disclosure stated in the previous Office Action has been withdrawn in view of Applicants' amendment to the Specification.

The 112(2) rejection of claim 7 has been withdrawn in view of Applicants' amendment thereto and in view of an Examiner's Amendment included in this Office Action.

The 102(b) rejections of (1) claims 1, 4, and 8 as being anticipated by Clasen et al. (U. S. Patent No. 4,680,047) and (2) claims 1, 2, 4, and 8 as being anticipated by Chandross et al. (U. S. Patent No. 5,240,488), and the 102(e) rejection of claims 1, 2, 4, and 8 as being anticipated by Yoon et al. (U. S. Patent No. 6,299,822) have all been withdrawn in view of Applicants' amendments to claim 1 via the incorporation therein of the subject matter of claims 3 and 5.

The 102 (b and e)/103(a) rejections of claims 9 and 10 over Clasen et al., Chandross et al., and Yoon et al. stated in the previous Office Action have been

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withdrawn in view of Applicants' cancellation of claim 9, and in view of Applicants' amendment to claim 6 to depend from currently amended claim 1.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Weilacher on December 7, 2004.

The application has been amended as follows:

a. On page 1 of the Specification, at line 6, after "2001", please insert the phrase --, now U. S. Patent No. 6,679,945, --.

b. Please re-write Claim 7 as follows:

7. (Currently Amended) A method of making a sintered glass comprising:
mixing a pyrogenically prepared silicon dioxide with water to form a homogeneous dispersion, said pyrogenically prepared silicon dioxide having the following physicochemical properties:

a) average particle size (D_{50} value) $D_{50} \geq 150$ nm (dynamic light scattering, 30 wt%);

b) viscosity (5 rpm, 30 wt%) $\eta \leq 100$ mPas;

c) thixotropy of T_i : $(\eta(5 \text{ rpm})/(\eta 50 \text{ rpm})) \leq 2$;

d) BET surface area 30-60 m²/g;

e) compacted bulk = 100-160 g/L; and

f) original pH ≤ 4.5 ;

pouring the dispersion into a mold,

gelling the dispersion in the mold to form a gelled body,

removing the gelled body from the mold, and

drying the gelled body to form a microporous green body,

~~sintering the green body by zone,~~

sintering the green body by zone sintering under vacuum to thereby obtain a sintered glass body.

c. Please cancel claims 8 and 10 without prejudice.

The Specification has been amended to complete the status of the parent application. Claim 7 has been re-written to properly show the amendments made therein (the claim was identified as "Currently Amended", but did not have any underlinings or strikethroughs).

Allowable Subject Matter

2. Claims 1, 2, 4, 6, and 7 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

While the cited references of record teach methods for manufacturing glass bodies with dispersions of silica particles, the prior art does not teach or suggest the addition of acetic acid ethyl ester (ethyl acetate) to the dispersion (Yoon et al. and Chandross et al. both teach the employment of ethyl lactate). Further, the prior art does not teach or suggest the claimed physicochemical characteristics of the pyrogenic silica now recited in the independent method claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

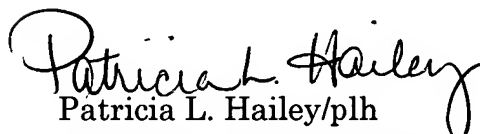
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Thursdays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patricia L. Hailey/plh
Examiner, Art Unit 1755
December 8, 2004


Mark L. Bell
Supervisory Patent Examiner
Technology Center 1700